



STATE OF CONNECTICUT

OFFICE OF THE
PROBATE COURT ADMINISTRATOR

PAUL J. KNIERIM
Probate Court Administrator

THOMAS E. GAFFEY
Chief Counsel

HELEN B. BENNET
Attorney

DEBRA COHEN
Attorney

186 NEWINGTON ROAD
WEST HARTFORD, CT 06110

TEL (860) 231-2442
FAX (860) 231-1055

TO: Senate Co-Chair Eric Coleman
House Co-Chair Gerald Fox
Senate Ranking Member John Kissel
House Ranking Member Rosa Rebimbas
Honorable Members of the Judiciary Committee

FROM: Paul J. Knierim
Probate Court Administrator

DATE: April 1, 2013

RE: RB 6448 An Act Concerning Probate Fees

Thank you for the opportunity to testify in support of Raised Bill No. 6448, which is submitted jointly by the Probate Assembly and the Office of the Probate Court Administrator. The bill would make minor adjustments to the Probate Court fee structure.

Several different names or phrases are used throughout the statutes when referring to the Probate Courts, including "court of probate," "probate court" and "Probate Court". In the interest of consistency, sections 1 through 8 substitute the phrase "Probate Court" for all other terms. It is our intention to use this phrase when amending other statutes concerning the Probate Courts in the future. A few references in this draft require correction and we would request substitute language so that the usage is consistent throughout the statutes that this bill amends.

Sections 1, 2 and 3 establish a \$250 application fee for an out-of-state attorney seeking permission to appear pro hac vice in a Connecticut Probate Court. The new Probate Court Rules of Procedure, recently adopted by the Connecticut Supreme Court, establish specific procedure by which an out-of-state attorney may be permitted to appear in a case, but only on an exceptional basis and only

if a Connecticut attorney also appears in the case. This procedure is similar to the parallel provision contained in the rules of procedure applicable to the Superior Court. The application fee in Superior Court is presently \$600.

Section 2 repeals fee tables applicable only to decedent estates in which proceedings were commenced before April 1, 1998. These sections are essentially obsolete and their continued presence in the statutes causes confusion.

Section 3 updates the terminology in the statute used to calculate fees for periodic accounts to reflect the language now contained in the rules of procedure governing accounts. The amendment is technical and will not change the method by which fees are calculated.

On behalf of the Probate Court system, I respectfully urge the committee to act favorably on the bill. Thank you for your consideration.

Sec. 36.14 Definition of fiduciary acquisition value

(a) The fiduciary acquisition value of an asset is:

- (1) for a decedent's estate, the fair market value of the asset on the date of death;
- (2) for a trust, the fair market value of the asset on the date of death of the testator or settlor or on any other basis for value that the court directs after considering the nature of the trust and the manner in which it was funded; and
- (3) for a conservatorship, guardianship or any other estate not specified in this section, the fair market value of the asset on the date of appointment of the first fiduciary.

(b) The fiduciary acquisition value of an asset that a fiduciary purchases during the course of administration is the sum of the purchase price of the asset and expenses directly related to the purchase.

(c) The fiduciary acquisition value of an asset shall not be changed based on unrealized gain or loss owing to fluctuations in market value.

(d) The fiduciary acquisition value of an asset shall be adjusted to reflect transactions in which:

- (1) additional investments, such as capital improvements to real property, are made in an asset; and
- (2) some of the original investment is returned to the fiduciary, such as the sale of a partial interest in an asset or the receipt of principal payments on a promissory note.

